

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF DECEMBER 2, 2005

(Published December 10, 2005, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
December 2, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, President Ostrow.

Lilligren moved to amend the agenda so as to add a motion to the beginning of the agenda accepting Council Member Barret Lane's Notice of Vacation of Office, to consider the Comcast Corporation Cable Franchise Transfer (Ways & Means/Budget Committee Item #16) as the final agenda item, and adding an Honorary Resolution for retiring Council Committee Coordinator, Julie Bartell. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted 12/2/05.

Ostrow moved the following:

- a) Acceptance of Barret Lane's letter serving as his Notice of Vacation of the 13th Ward City Council Office, effective December 2, 2005, at 9:30 a.m.;
- b) Declaring that the above-mentioned position is vacant;
- c) Declaring that Betsy Hodges was elected as the Thirteenth Ward Council Member at the City's General Election held on November 8, 2005, and the election results having been duly certified by the City Council on November 10, 2005; and
- d) Declaring that Betsy Hodges shall fill the remainder of the unexpired term of Thirteenth Ward beginning December 2, 2005. Seconded.

Adopted 12/2/05.

Merry Keefe, City Clerk, administered the Oath of Office to Council Member Elect Betsy Hodges.

Present - Council Members Johnson Lee, Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, President Ostrow.

Lilligren moved acceptance of the minutes of the regular and adjourned meetings held November 18, 2005. Seconded.

Adopted upon a voice vote 12/2/05.

Lilligren moved referral of petitions and communications and reports of City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 12/2/05.

**PETITIONS AND COMMUNICATIONS**

**HEALTH AND HUMAN SERVICES**

THE CITY, INC. (270815)

World AIDS Day: Information from The City, Inc. on its HIV/AIDS/STD Prevention and Awareness Program.

**HEALTH AND HUMAN SERVICES (See Rep):**

CIVIL RIGHTS (270816)

Small and Underutilized Business Enterprise Program: Ordinance amending Title 16, Chapter 423 of Code relating to Planning and Development: Small and Underutilized Business Enterprise Program, continuing SUBP Program for 18 months to allow for completion of a disparities study.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270817)

Welfare to Work: Execute Joint Powers Agreement with Hennepin County for operation of Minnesota Family Investment Program; and execute contract with Hennepin County to receive \$472,878 during calendar year 2006.

Employment and Training and Human/Social Services: Execute Master Contracts with Eligible Providers List of community agencies and selected governmental entities for five-year period; and Authorize staff to issue Fund Availability Notices when project funds become available.

HEALTH AND FAMILY SUPPORT SERVICES (270818)

Twin Cities Healthy Start Project: Authorize submit 12-month continuation grant seeking \$925,000 from the Department of Health and Human Services, Maternal Child Health Bureau, to continue project through May 31, 2007.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (270819)

Federal/State/Local Update 11/29/05.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

POLICE DEPARTMENT (270820)

Alcohol Compliance Checks: Report for period 2001-05; and 2006 projections.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

ATTORNEY (270821)

Trespassing: Ordinance amending Title 15, Chapter 385 of Code relating to Offenses—Miscellaneous: In General, amending Section 385.380 entitled “Trespassing upon the land of another” to conform with amended State Trespassing Statute.

INSPECTIONS DEPARTMENT (270822)

Chapter 249 Property at 2406 McNair Av N: Authorize demolition of property.

LICENSES AND CONSUMER SERVICES (270823)

Parking Lot Charges: Ordinance amending Title 13, Chapter 319 of Code relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots, prohibiting additional charges for towed or immobilized motor vehicles; and for charging more than the maximum 24 hour parking fee stated on the entrance sign for vehicles that fail to pay parking fees.

El Gaucho (2401 E Franklin Av): Grant On-Sale Wine Class E with Strong Beer and Sidewalk Cafe Licenses.

Skyline Food (2400 10th Av S): Grant Grocery and Tobacco Licenses, subject to conditions.  
Licenses: Applications.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (270824)

Fire Department Donation: Accept exercise equipment from Bally's Total Fitness Gym.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (270825)

Preliminary Options Analysis for Joint Hennepin County/City of Minneapolis Household Hazardous Waste and Voucher Facilities: Receive and file report.

XCELENERGY/NSP (270826)

Utility Pole: Install new 45' pole at 85 11th Av NE, Design #146699.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270827)

Van White Memorial Boulevard: Authorize use of "quick take procedure" within the eminent domain statutes for right-of-way acquisitions.

PUBLIC WORKS AND ENGINEERING (270828)

Sale of Excess City-Owned Land: Approve sale of land located at 112 1/2 University Av SE and 210 - 2nd Av SE to adjacent owner, Library Property, LLC.

Main St SE Easement: Accept easement and payment of \$55,000 from Stone Arch Partners, LLC.

Tri-Tech Building (331 2nd Av S): Execute agreement with Midway Warehouse Limited Partnership, North Prior, LLC, 808 Building Limited Partnership, JLT Hancock Limited Partnership, and Hiawatha Acquisitions, LLC for fiber optic cable installation throughout building.

TAD Ramps: Execute change order to contract with Restoration Systems, Inc.

Deed Exchanges: Authorize conveyance of City's interest in 1705 2nd St N to the State of Minnesota; and authorize the City to accept a new deed from the State for fee title to said property.

U of M On-Campus Football Stadium: Approve draft Environmental Impact Statement (EIS) comments.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (270829)

Loring Bikeway, Phase II: Authorize execution of Force Account Agreements with MnDOT; and authorize contract with artist, Lisa Elias.

Fridley Maintenance Facility: Approve change order to contract with James Steele Construction; and increase appropriation.

Mill Quarter Municipal Ramp: Approve change orders to contract with Knutson Construction, Inc.

Minneapolis Off-Street Parking System RFP: Select operator, AMPCO System Parking; Comments.

Bid: Accept OP #6522, bid of Don Harstad Company, Inc. for a complete parking revenue control system.

**WAYS AND MEANS BUDGET:**

COORDINATOR (270830)

New Central Library Project: Change Management Action -Receive and File.

FINANCE DEPARTMENT (270831)

2005 Workers' Compensation Expenses: Receive and File.

3rd Quarter 2005 Financial Status Report: Receive and File.

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (270832)**

Legal Settlements: a) Charles Williams; and b) Caroline L. Erickson.

Master Legal Services Agreements: Authorize contract amendments so that the cost not exceed \$600,000 for the following agreements: a) Kaplan, Kirsch, and Rockwell, LLP; b) Lockridge Grindal Nauen, P.L.L.P.; and c) Greene Espel.

**BUSINESS INFORMATION SERVICES (BIS) (270833)**

Enterprise Modeling Tool: Issue RFP for Enterprise Modeling Tool Software.

Inspection System Application: Issue RFP for Inspection System Application designed to organize, collect and report inspections using technology.

Unisys Contract: Amendment of Contract C-21958 for the services of a Project Manager.

Financial System Upgrade: a) Authorize release of a limited RFP to software vendor CGI/AMS and PeopleSoft; and b) Approve the Financial Funding approach of using departmental primarily operating budget wavings from 2005 – 2009.

**BUSINESS INFORMATION SERVICES (BIS)/POLICE DEPT (270834)**

Donation to the Minneapolis Police Department: Acceptance of the SafeCity, Video Security System from the Target Corporation valued at \$1.5 million.

**CITY CLERK (270835)**

Copy Center Operations Supervisor: Authorize offer of 7th step probation rate salary to David Schlueter for the exempt employee position of Copy Center Operations Supervisor.

**COMMUNICATIONS (270836)**

Comcast Corporation Cable Franchise Transfer: Conditionally grant the application of Comcast Corporation for approval of the transfer of ownership and control of the city of Minneapolis cable franchise and cable communication system currently owned by KBL Cablesystems of Minneapolis, Limited Partnership, d.b.a. Time Warner Cable.

**COORDINATOR (270837)**

New Central Library Project - Change Orders: a) Change Order No. 4 to increase Contract Number C-20567 with E. R. Berwald Roofing Company, Inc.; b) Change Order No. 9 to increase Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical; c) Change Order No. 9 to increase Contract Number C-20481 with PCL Construction Services; and d) Change Order No. 3 to increase Contract Number C-21852 with PCL Construction Services.

New Central Library Project: Amendment increasing construction management contract with Mortenson/Thor.

New Central Library Project - Bid Package No. 8: Accept OP# 6511 Low bids for Contract Category #16 - Furniture, Fixtures & Equipment with a) Intereum for Library chairs; and b) Border States Electric for Task lighting.

**FINANCE DEPARTMENT (270838)**

Crawford & Company: Authorize extension of Contract #C99-14637 to continue in the provision of Liability Claims Administration services to February 1, 2006.

Marsh & McLennan Settlement: Accept 1st payment of four to resolve complaint that was filed by the New York State Attorney General.

**LIBRARY, MINNEAPOLIS PUBLIC (270839)**

Capital Bonding Increase for Community Libraries: Resolution amending the 2005 Capital Improvement appropriation to increase the appropriation by \$620,000; Resolution amending Resolution 2004R-587 to increase the request to the Board of Estimate and Taxation to incur indebtedness and issue and sell bonds by an additional \$620,000 for the East Lake Capital Project (\$503,400) and the North Regional Capital Project (\$116,600).

**NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (270840)**

NRP Technical Advisory Group: Recommend designation of Jack Kryst, Finance Department as the City Council's Representative.

**ZONING AND PLANNING:**

PLANNING COMMISSION/DEPARTMENT (270841)  
Site Plan Review Changes: Six month update.

**ZONING AND PLANNING (See Rep):**

ARTS COMMISSION (270842)

Gifts to the City:

Brackett Park Rocket: Accept gift of rocket by artist Randy Walker, from Forecast Public Artworks;

Nicollet Mall Market Painting: Accept gift of painting by Ron Merchant.

HERITAGE PRESERVATION COMMISSION (270843)

Appeal: Robert Levine (1300 Mount Curve): Certificate of Appropriateness for replacement of historic red tile roof on Charles J. Martin House.

Ryan Companies US, Inc (re Midtown Exchange/Sears Bldg, 2843 Elliot Ave): Historic variance for rooftop signs & to exceed amount of signage allowed.

PLANNING COMMISSION/DEPARTMENT (270844)

Appeal: Art Cunningham, for Fellowship Missionary Baptist Church (421 N 34th Ave): Re conditional use permit, site plan review & variances for 14 space parking lot.

Vacations:

Heritage Development (1010 Park Ave): Re Public alley lying between Park Ave S & Portland Ave S & between 10th St & Grand St E;

Heritage Development (1010 Park Ave): Re Public alley commonly known as 7th Ave S lying between Park Ave S & Portland Ave S & between 10th St S & Grant St E;

Zoning Code Text Amendment: Nonconforming Uses & Structures: Ordinances amending Title 20, Chapters 520, 531, 543 & 544 to bring the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute.

PLANNING COMMISSION/DEPARTMENT (270845)

Zoning Code Text Amendment: Overnight Shelters: Ordinances amending Title 20, Chapters 520 and 537 to allow overnight shelters to be open 24 hours.

38th Street Station Area Plan.

**FILED:**

CITY CLERK (270846)

Chapter 249 Property at 3219 Lyndale Av N: Verbatim Transcripts of a portion of the Public Safety & Regulatory Services Committee Meeting held July 13, 2005; the Public Safety & Regulatory Services Committee Meeting held July 27, 2005; the Minneapolis City Council Meeting held August 5, 2005.

*The following reports were signed by Mayor Rybak on December 8, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

**REPORTS OF STANDING COMMITTEES**

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

**H&HS** - Your Committee, to whom was referred an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, continuing the SUBP Program for 18 months to allow for completion of a disparities study, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/2/05.

Ordinance 2005-Or-133 amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, amending Section 423.80 to continue the SUBP Program for 18 months to allow for completion of a disparities study, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-133**  
**By Johnson Lee**  
**Intro & 1st Reading: 11/4/05**  
**Ref to: H&HS**  
**2nd Reading: 12/2/05**

**Amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small And Underutilized Business Enterprise Program.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 423.80 of the above-entitled ordinance be amended to read as follows.

**423.80. Expiration of Chapter 423.** This chapter of the Minneapolis Code of Ordinances, Chapter 423, shall expire and, absent other action by the city council based on an analysis of the continuing need for the Small and Underutilized Business Enterprise Program, the Small and Underutilized Business Enterprise Program shall cease all operations on ~~December 31, 2005~~ June 30, 2007.

Adopted 12/2/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee, having under consideration the Twin Cities Healthy Start Project, now recommends that the proper City Officers be authorized to submit a 12-month continuation grant seeking \$925,000 from the Department of Health and Human Services, Maternal Child Health Bureau, to continue the project through May 31, 2007.

Adopted 12/2/05.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with Hennepin County for the operation of the Minnesota Family Investment Program; and to execute a contract with Hennepin County to receive \$472,878 during the period January 1, 2006 through December 31, 2006.

Adopted 12/2/05.

**H&HS & W&M/Budget** - Your Committee, having under consideration the provision of employment and training and human/social services, and having received responses to a Request for Proposals process, now recommends that the proper City Officers be authorized to execute Master Contracts with the following Eligible Providers List of community agencies and selected governmental entities during the period January 1, 2006 through December 31, 2010; and that staff be authorized to issue Fund Availability Notices when project funds become available.

<b>Community Agency</b>	<b>Dollars per Master Contract</b>
AccessAbility, Inc.	\$250,000
Achieve!Minneapolis	\$2,500,000
African Community Services	\$250,000
American Indian OIC	\$2,250,000
Ascension Place	\$250,000
Asian Media Access	\$250,000



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Cedar Riverside People's Center	\$250,000
CAPI	\$500,000
CLUES	\$1,500,000
Confederation of the Somali Community in MN	\$250,000
Construction Careers Coalition	\$500,000
The Cookie Cart	\$250,000
East Side Neighborhood Services	\$2,000,000
Goodwill/Easter Seals	\$4,500,000
Greater Minneapolis Council of Churches	\$500,000
HAMAA	\$2,000,000
HIRED	\$6,000,000
Jewish Vocational Services (JVS)	\$500,000
Lao Assistance Center of Minnesota	\$250,000
Life's Missing Link	\$250,000
Lifetrack Resources	\$500,000
Loring Nicollet Bethlehem Community Centers	\$1,500,000
Lutheran Social Service	\$500,000
Minneapolis American Indian Center	\$250,000
Minneapolis Urban League	\$4,000,000
Minnesota AIDS Project	\$250,000
Neighborhood Development Center (NDC)	\$1,000,000
Neighborhood Employment Network (NET)	\$500,000
PICA	\$250,000
Pillsbury United Communities	\$3,000,000
Prodigal House, Inc.	\$250,000
Project for Pride in Living (PPL)	\$500,000
Resource, Inc.	\$5,000,000
RISE, Inc.	\$250,000
Salvation Army Harbor Light	\$250,000
SEARCH	\$2,500,000
Somali Education Center	\$250,000
St. Stephen's Human Services	\$250,000
Summit Academy OIC	\$250,000
Tree Trust	\$500,000
YouthCARE	\$500,000
<b>Governmental Entity</b>	<b>Dollars per Master Contract</b>
Anoka County	\$500,000
Dakota County	\$500,000
Hennepin County	\$500,000
Minneapolis Community and Technical College	\$500,000
Minnesota Department of Employment and Economic Development	\$5,000,000
Minneapolis Public Schools	\$2,000,000
Ramsey County	\$500,000
Washington County	\$500,000

Adopted 12/2/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:  
**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses-Miscellaneous: In General*, amending Section 385.380 entitled "*Trespassing upon the land of another*" to conform with amended State Trespassing Statute, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/2/05.

Ordinance 2005-Or-134 amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to *Offenses—Miscellaneous: In General*, amending Section 385.380 to conform with the amended State Trespassing Statute, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-134**  
**By Ostrow**  
**Intro & 1st Reading: 11/4/05**  
**Ref to: PS&RS**  
**2nd Reading: 12/2/05**

**Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: In General.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 385.380 of the above-entitled ordinance be amended to read as follows:

**385.380. Trespassing upon the land or property of another.**

(a) Definitions. For purposes of this section:

(1) Agent shall have the following meaning: a person authorized by another to act for him or her. The act of posting a no trespassing sign shall constitute authorization for a licensed peace officer to act as an agent for the lawful possessor of the land or property unless the lawful possessor affirmatively indicates otherwise on the face of the sign. "Agent" shall include, but not be limited to, a security officer hired to secure the land or property or a licensed peace officer.

(2) Lawful possessor shall have the following meaning: a land owner, a property owner, or a tenant of the land or property.

(3) Property shall have the following meaning: a building or other property, whether real or personal, private or public.

(b) Prohibitions.

(a 1) No person shall intentionally enter or remain upon or within ~~trespass on~~ the land or property of another and, without claim of right, refuse to depart therefrom on demand of the a lawful possessor thereof or his or her agent. A demand to depart may be made as follows: orally, or in writing, by the lawful possessor or the possessor's agent.

(1) Orally, or in writing, by the lawful possessor or the possessor's agent; or,

(2) By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected land or,

(3) By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected land during certain hours.

(b 2) No person who has received a an oral or written demand to depart pursuant to this subsection shall reenter the a lawful possessor's land or property without the written permission of the a lawful possessor or the agent providing said demand for a period of up to ninety (90) days one year from the date of the oral or written demand, as provided therein.

(3) No person shall intentionally enter or remain upon or within the land or property of another without permission from a lawful possessor thereof or his or her agent when such land or property includes signs conspicuously posted at reasonable intervals which prohibit trespass or trespass during certain hours on the affected land or property.

(4) No person shall enter or remain upon or within the locked or posted property of another, or condemned or boarded or abandoned property, without claim of right or consent of a lawful possessor or his or her agent.

Adopted 12/2/05.



**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, prohibiting additional charges for towed or immobilized motor vehicles and also for charging more than the maximum 24 hour parking fee stated on the entrance sign for vehicles that fail to pay parking fees, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/2/05.

Ordinance 2005-Or-135 amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots*, amending Section 319.240 to prohibit additional charges for towed or immobilized motor vehicles and for charging more than the maximum 24 hour parking fee stated on the entrance sign for vehicles that fail to pay parking fees, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-135**  
**By Zerby**  
**Intro & 1st Reading: 11/4/05**  
**Ref to: PS&RS**  
**2nd Reading: 12/2/05**

**Amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking Lots.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 319.240 of the above entitled ordinance be amended to read as follows:

**319.240. Charges limited to those on sign; maximum lost ticket charge.** No parking lot shall charge any greater sum for parking a motor vehicle than is provided for on the entrance signs. No parking lot shall charge a lost ticket charge greater than the maximum rate for each twenty-four-hour period in which a car was actually parked in the lot. No parking lot shall impose any charge greater than the maximum rate for each twenty-four-hour period in which a car was actually parked in the lot, based upon failure to pay the parking fee. No parking lot shall charge any additional parking fee or increase any parking fee based on whether or not a vehicle has been booted or towed while parked in the lot.

Adopted 12/2/05.

**PS&RS** - Your Committee, having under consideration the application of El Gaucho LLC, dba El Gaucho, 2401 E Franklin Av, for an On-Sale Wine Class E with Strong Beer License (new business 60/40) to expire April 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

(Published 12/6/05)

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Skyline Food, 2400 10th Av S, for Grocery and Tobacco Licenses, subject to conditions.

Adopted 12/2/05.

Resolution 2005R-638, granting the application of Skyline Food, 2400 10th Av S, for Grocery and Tobacco Licenses, subject to conditions, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-638**

**By Niziolek**

**Granting the application of Skyline Food, 2400 10th Av S, for Grocery and Tobacco Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Jadar Inc, dba Skyline Food, 2400 10th Av S, for Grocery and Tobacco Licenses (new proprietor) to expire April 1, 2006, subject to the following conditions:

- a. the licensee agrees not to install any pay phones either inside or outside the store.
- b. the licensee will call Officer Judy Perry to schedule a formal security survey.
- c. the licensee shall comply with the Surveillance Camera Ordinance. All cameras will have recording devices attached to them, and Officer Perry will assist in proper placement.
- d. "No Trespassing" signs will be posted by December 8, 2005. The business staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.
- e. security staff may be required as deemed appropriate by City staff. Any request by City staff of the licensee to hire security staff will be in writing and will be arranged in a prior meeting.
- f. the licensee will create a system for issuing and tracking 90-day No Trespassing Notices, complete with pictures of trespassed people. The licensee will work with the Police Department's SAFE Team to implement the system by February 8, 2006.
- g. the licensee agrees not to sell items which are commonly used by drug dealers and users. These items include: glass pipes, Brillo or Chore Boys pads without soap, small zip-lock bags, dice, single use tobacco products, and rolling papers. The licensee also agrees not to supply matches to non-tobacco customers, effective December 8, 2005. City staff may add other items to the list, as deemed appropriate.
- h. the licensee and/or one manager will attend the neighborhood and local business association monthly meetings.
- i. the licensee will keep all lights working properly and will add lights if recommended to do so by City staff.
- j. noise from the business and vehicles will be kept to a minimum.
- k. the licensee shall clean the property of litter and all trash daily, including the area within 100 feet of the property lines.
- l. all windows will be free of signs and other items that block the view in and out. Merchandise on shelves will be kept low to ensure proper surveillance of the store interior by clerks.
- m. the licensee will ensure that a minimum of two staff people are working from 3:00 p.m. to closing every day to ensure proper monitoring of the store area to reduce negative behaviors.
- n. the licensee will contact a private towing company to remove all unauthorized vehicles, and the area will have the tow company signs clearly posted by December 8, 2005.
- o. the parking lot may need to be chained as deemed necessary by City staff. The chain must be locked and anchored by poles, and will have reflective materials to meet CPED standards.
- p. the licensee agrees to remove all old or faded signs from the exterior of the building and will keep all new and existing signs and banners hung straight with all corners fastened according to CPED standards.
- q. the licensee will comply with all Environmental Health orders by their due date as directed by the Health Department and/or other City staff.
- r. the licensee will provide a screened and adequate dumpster with a closeable lid and empty it weekly.
- s. the licensee will comply with all Zoning Site Plan requirements and deadlines for completing work.
- t. the licensee will pay all fees, and if any fines, by their due dates.

Adopted 12/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.  
Adopted 12/2/05.

Resolution 2005R-639, granting applications for Liquor, Wine and Beer Licenses, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-639**  
**By Niziolek**

**Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2006**

Lurcat LLC, dba Cafe and Bar Lurcat, 124 Harmon Pl (change in ownership from D'Amico Catering LLC)

**On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2006**

Stasiu's Inc, dba Stasiu's, 2500 University Av NE (new shareholder/partner, new corporate officer, upgrade from On-sale Liquor Class E with Sunday Sales)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2006**

510 Groveland Associates, 510 Groveland Ave dba La Belle Vie (new manager and change in dba)

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2006**

Largo Enterprises Inc, dba Whitey's World Famous Saloon, 400 E Hennepin Av

**Temporary On-Sale Liquor**

Basilica of St. Mary, dba Basilica of St. Mary, 88 17th St N (December 7, 2005, 5:00 p.m. to 10:30 p.m., Messiah Dinner; Licensed Facilitator: D'Amico Catering)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2006**

Yellow Lantern LLC, dba The Steak Knife, 1327 4th St SE (new share holder/partner)

Hot Plate LLC, dba Hot Plate, 5204 Bloomington Av (new business)

First Course Inc, dba First Course, 5607 Chicago Av (expansion of premises).

Adopted 12/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.  
Adopted 12/2/05.

Resolution 2005R-640, granting applications for Business Licenses, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-640**  
**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 2, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270823):

Amusement Devices; Bed & Breakfast Facility; Christmas Tree; Fire Extinguisher Servicing - Class A; Confectionery; Grocery; Food Manufacturer; Food Market Manufacturer; Milk & Grocery Delivery Vehicle; Restaurant; Short-Term Food Permit; Gasoline Filling Station; Going Out of Business; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Juke Box - Musical; Motor Vehicle Dealer - New & Used; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Commercial Parking Lot Class A; Pedicab; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Antique Dealer Class B; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 12/2/05.

**PS&RS** - Your Committee recommends that the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Class B**

Air Force Assoc Gen E W Rawlings Chapter, dba Air Force Chapter  
Gen E W Rawlings, 6050 5th Av S (Site: Rail Station Bar & Grill, 3675 Minnehaha Av)  
Catholic Eldercare Community Foundation, dba Catholic Eldercare Community Foundation, 817  
Maine St NE (Site: Elsie's Restaurant Bar & Bowling Center,  
729 Marshall St NE).

Adopted 12/2/05.

**PS&RS** - Your Committee recommends passage of the accompanying resolution approving Technical Advisory Committee recommendations relating to the Valet Parking License held by Tradition Valet, Inc, 5270 W 84th St, Bloomington, MN.

Adopted 12/2/05.

Resolution 2005R-641, approving Technical Advisory Committee recommendations relating to the Valet Parking License held by Tradition Valet Inc, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-641**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the Valet Parking License held by Tradition Valet, Inc, 5270 W 84th St, Bloomington, MN.**

Whereas, the Licenses & Consumer Services Division held a Technical Advisory Committee hearing on October 19, 2005 with the licensee to discuss violations of law relating to the operation of its licensed business; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations as a result of the licensee violating the Minneapolis Code of Ordinances by operating the valet parking service before or after the time of day specified in the valet loading zone; parking patrons' vehicles on a public street; placing two signs in a traffic lane; allowing

vehicles to remain in the authorized valet loading zone in excess of 15 minutes; violating traffic laws by proceeding to valet vehicles from the traffic lane, instead of at the curb; failure to comply with an order issued by a Traffic Control Agent to not "feed meters" at 801 Hennepin Av S; and

Whereas, the licensee failed to manage the business appropriately and correct behaviors of employees after being informed by the City through numerous verbal and written orders, citations, a previous TAC hearing and a Conditions letter to take corrective action;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall be assessed a civil penalty, in the amount of a \$5,000 fine, with \$3,000 being paid by the licensee upon City Council approval of the TAC Agreement, and \$2,000 to be stayed for a period of one year, provided there are no same or similar violations.

b. the licensee shall pay enforcement costs, in the amount of \$855.02 within seven days of the effective date of the TAC Agreement.

c. the licensee shall comply with the Minneapolis Code of Ordinances, specifically Chapter 307 governing Valet Parking.

d. the licensee shall comply with the Minneapolis Code of Ordinances, specifically Section 259.250(2) governing business management responsibilities, in that the licensee shall maintain and operate the business in compliance with all applicable laws and ordinances.

e. the licensee shall comply with the Minneapolis Code of Ordinances, specifically Section 259.250(3) governing business management responsibilities, in that the licensee shall be directly and vicariously responsible for violations committed by its employees while they are employed providing the service of valet parking.

f. the licensee shall comply with the Minneapolis Code of Ordinances, specifically Chapter 478 governing parking meters, in that its employees shall not "feed" meters to extend the parking time of any vehicle beyond the legal parking time for themselves or others, including the employees of the business they are contracted to valet for.

g. employees of management of Tradition Valet, Inc. shall not park their personal vehicles on the public street while they are providing the service of valet parking.

h. if, during a period of one year from the effective date of the TAC Agreement, the licensee fails to comply with the above items or fails to timely remit the fine and amounts due therein, the licensee shall serve a five-day license suspension to take place at the location where the violation occurred; the dates of such suspension to be selected by Licensing staff.

Adopted 12/2/05.

**PS&RS** - Your Committee, having under consideration the property located at 2406 McNair Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 1, Block 8, Ferrants 1st Addition to Minneapolis (PID #17-029-24-11-0048), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 12/2/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept exercise equipment, valued at \$5,000, from Bally's Total Fitness Gym for the Fire Department, as set forth in Petn No 270824 on file in the Office of the City Clerk.

Adopted 12/2/05.

The **TRANSPORTATION & PUBLICS WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the sale of City-owned excess land at 112 1/2 University Av SE and 210 2nd Av SE, legally described as part of Lot 3, Block 38, St. Anthony Falls Addition, and having held a public hearing thereon, now recommends:

- a) Approving the sale of said parcel for \$75,000 to the adjacent owner, Library Property, LLC, according to the terms of the Option and Purchase Agreement;
- b) Authorizing the proper City Officers to execute a Quit Claim Deed to convey the property to the buyer and any other documents necessary to facilitate the sale; and
- c) Directing that the proceeds be used to reimburse Public Works for expenses associated with the sale of the property, with the remaining balance deposited into the PW-Transportation Agency in the Municipal Parking Fund (7500-685-STAN-3475-01).

Adopted 12/2/05.

**T&PW** - Your Committee, having under consideration the development of Heritage Park and the construction of the Van White Memorial Boulevard, now recommends passage of the accompanying Resolution authorizing the exercise of the City's power of eminent domain and quick take procedure, if voluntary negotiation efforts fail, in order to facilitate the start of construction in a timely manner.

Adopted 12/2/05. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson Lee, Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren, Ostrow.

Nays - Zerby

Resolution 2005R-642, authorizing the exercise of the City's power of eminent domain and quick take for the development of Heritage Park, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-642**

**By Colvin Roy**

**Authorizing the exercise of the City's power of eminent domain and quick take for the development of Heritage Park.**

Whereas, the City, as part of the development of Heritage Park, needs to acquire certain property for infrastructure, including streets and roadways; and

Whereas, said property acquisition is in the public interest, serves a valid public purpose, satisfies contract obligations, and facilitates construction in a timely manner;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Attorney or designee is hereby authorized to acquire land or easements to permit public infrastructure activities at 301 Fremont Av N, 1138 Glenwood Av N, 300 Fremont Av N, 1207 Glenwood Av N, 241 Fremont Av N, 1131 & 1207 2nd Av N, 210 Girard Av N, 212 Girard Av N, 1001 2nd Av N, 101 Fremont Av N, and 201 Logan Av S through the exercise of the City's power of condemnation including the use of "quick take procedures" (title and possession of the owners' property granted to the City prior to the filing of an award of valuation pursuant to Minnesota Statutes, Section 117.042).

Be It Further Resolved that the City's Director of Community Planning and Economic Development has authorization to initiate quick take, sign purchase agreements, and any other documents required for purchases and pay the purchase price and any related costs as long as the purchase price is reasonable as determined by the City's Director of Community Planning and Economic Development and as supported by an independent appraisal from the CPED Panel as validated by the CPED City Appraiser.



Adopted 12/2/05. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson Lee, Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren, Ostrow.

Nays - Zerby

**T&PW** - Your Committee recommends that the proper City Officers be authorized to accept an easement and payment of \$55,000 for the vacation of Main Street SE between 6th Av SE and 8th Av SE, in accordance with the Development Agreement between the City of Minneapolis and Stone Arch Partners, LLC.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

(Published 12/6/05)

**T&PW** - Your Committee recommends that the proper City Officers be authorized to negotiate and execute an agreement with Midway Warehouse Limited Partnership, North Prior, LLC, 808 Building Limited Partnership, JLT Hancock Limited Partnership, and Hiawatha Acquisitions, LLC for the right to install and maintain fiber optic and copper cable for electronic communication purposes throughout the Tri-Tech Building, 331 2nd Av S. Funds to be paid from the Information and Technical Services Agency in the Intergovernmental Service Fund (6400-880-8870).

Adopted 12/2/05.

**T&PW** - Your Committee recommends that the proper City Officers be authorized to execute Change Order No. 1, increasing Contract C-22234 with Restoration Systems, Inc. in the amount of \$25,896, for a revised contract total of \$133,896, to allow for the modification of an additional 210 lineal feet of expansion joints on TAD ramps. No additional appropriation is required.

Adopted 12/2/05.

**T&PW** - Your Committee, having under consideration a parcel of land located at 1705 2nd St N acquired by the City from the State of Minnesota, now recommends:

a) Authorizing the proper City Officers to sign the necessary documents conveying the City's interest in 1705 2nd St N back to the State of Minnesota, contingent upon receiving a new deed from the State; and

b) Authorizing the proper City Officers to accept a new "fee title" deed from the State of Minnesota for said property for a price of \$1 plus administrative costs. Total fees for both transactions will be less than \$100 and payable from the PW-General Services-Capital Agency in the Lands and Buildings Fund (6200-923-9242).

Adopted 12/2/05.

**T&PW** - Your Committee, having under consideration the Environmental Impact Statement (EIS) regarding the proposed University of Minnesota On-Campus Football Stadium, and having submitted draft comments to the University of Minnesota by the November 23, 2005 deadline, now recommends approval of the final draft of the EIS comments, as set forth in Petn No. 270828.

Colvin Roy moved that the report be postponed. Seconded.

Adopted upon a voice vote 12/2/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the Loring Bikeway Project, Phase II, now recommends passage of the accompanying Resolution authorizing the proper City Officers to execute a Force Account Agreement with the Minnesota Department of Transportation for signal modifications and an artistic metal fence included in the scope of this federally funded project.

Your Committee further recommends that the proper City Officers be authorized to enter into a contract with Lisa Elias, the artist selected for the design and construction of the artistic metal fence.

Adopted 12/2/05.

Resolution 2005R-643, authorizing the proper City Officers to execute a Force Account Agreement with the Minnesota Department of Transportation for signal modifications included in the Loring Bikeway Project, Phase II, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-643**  
**By Colvin Roy and Johnson**

**Authorizing the proper City Officers to execute a Force Account Agreement with the Minnesota Department of Transportation.**

Resolved by The City Council of The City of Minneapolis:

That the Commissioner of Transportation be appointed as Agent of the City of Minneapolis, pursuant to Minnesota Statute Section 161.36, to accept as its agent, Federal Aid funds which may be made available for eligible transportation-related projects.

Be It Further Resolved that the proper City Officers are hereby authorized and directed for, and on behalf of, the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said Federal Aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No 88479," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted 12/2/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Fridley Maintenance Facility, now recommends that the proper City Officers be authorized to execute Change Order No. 4, increasing Contract No. C-20506 with James Steele Construction, in the amount of \$21,497, for a revised contract total of \$4,735,684.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation for the project by \$197,000, utilizing existing Water Revenue Funds, in order to completely close out the Fridley Maintenance Facility Project.

Adopted 12/2/05.

**RESOLUTION 2005R-644**  
**By Colvin Roy and Johnson**

**Amending The 2005 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by:

a) Increasing the appropriation for the PW-Water-Capital Agency in the Water Revenue Fund (7400-950-9535-WTR01) by \$197,000; and

b) Decreasing the appropriation for the PW-Water Treatment and Distribution Agency in the Water Revenue Fund (7400-690-6990-6190) by \$197,000 in order to completely close out the Fridley Maintenance Facility Project.

Adopted 12/2/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Mill Quarter Municipal Parking Ramp, now recommends approval of Change Orders 9 and 10, increasing Contract No. C-20999 with Knutson Construction, Inc. by \$58,630, for a revised contract total of \$5,261,988. No additional appropriation required.

Adopted 12/2/05.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid submitted to the Public Works Department on OP No. 6522 from Don Harstad Company, Inc., in the amount of \$940,862, to furnish and install a complete parking revenue control system.

Your Committee further recommends that the proper City Officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 270829)

Adopted 12/2/05.

**T&PW & W&M/Budget** - Your Committee, having under consideration the operation of the Municipal Parking System, with staff recommendations as follows:

a) Approving the selection of AMPCO System Parking as the operator of the Municipal Parking System for the period commencing April 1, 2006 and continuing for up to three years, with two single-year extension options; and

b) Authorizing the proper City Officers to negotiate the final terms and enter into a Management Agreement by December 31, 2005 with AMPCO System Parking, including provisions that provide:

- Sufficient goals and programs for branding and marketing;
- Annual incentive plans related to revenue enhancements or expense reductions; and
- Methods to allow the rehiring of existing employees, as appropriate,

now recommends that said subject matter be **sent forward without recommendation**.

Colvin Roy moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "approved." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/2/05. Yeas, 9; Nays, 4 as follows:

Yeas – Niziolek, Benson, Goodman, Hodges, Samuels, Colvin Roy, Schiff, Zerby, Ostrow.

Nays – Johnson Lee, Johnson, Zimmermann, Lilligren.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 12/2/05.

Resolution 2005R-645, authorizing settlement of the legal claims of Charles Williams, and Caroline L. Erickson, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2005R-645**

**By Johnson**

#### **Authorizing legal settlements.**

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

a) Charles Williams v. Gary Alan Hyatt and the City of Minneapolis, by payment of \$25,000 to Mr. Charles Williams and his attorney, James K. Daniels; and

b) Caroline L. Erickson, by payment of \$25,000 to Ms. Caroline L. Erickson and her attorney, Andrew Noel.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to increase the following Master Legal Services Agreements to provide for additional legal services. The amount of the contract shall not exceed \$600,000:

- a) Kaplan, Kirsch, and Rockwell, LLP for the term of the agreement;
- b) Lockridge Grindal Nauen, P.L.L.P. for the term of the three-year agreement; and
- c) Greene Espel for the term of the three-year agreement.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for an Enterprise Modeling Tool Software.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals (RFP) for an Inspection System Application.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to increase the Unisys Contract C-21958 in the amount of \$74,740 for the services of a Project Manager for the 311 CRM/WOM Systems.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to offer the 7<sup>th</sup> step probation rate salary for the exempt employee position, Supervisor, Copy Center Operations to Mr. David Schlueter. Funds to pay the salary and benefits are in the City Clerk budget (6400-260-2630).

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

(Published 12/6/05)

Resolution 2005R-646, approving construction change orders for contracts related to the New Central Library Project, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-646**

**By Johnson**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

- a) Change Order No. 4 increasing Contract Number C-20567 with E. R. Berwald Roofing Company, Inc. by \$53,487;
- b) Change Order No. 9 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical by \$191,019;
- c) Change Order No. 9 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$219,572; and

d) Change Order No. 3 increasing Contract Number C-21852 with PCL Construction Services, Inc. by \$107,755.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the New Central Library Project Implementation Committee that the construction management services contract with Mortenson/Thor be amended by increasing the contract by \$348,000 for a new contract total of \$6,240,088.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

(Published 12/6/05)

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends acceptance of the following low bids (as outlined in Petn No. 270837), for items indicated in the plans and specifications. All this work including furnishing and delivery all material, labor, equipment and incidentals necessary to accomplish the work of Contract #16, "Furniture, Fixtures & Equipment", all in accordance with the plans, specifications and addenda prepared by Architectural Alliance.

a) Intereum for Library Chairs in the amount of \$315,944; and

b) Border States Electric for Task Lighting in the amount of \$144,206.

It is further recommended that the proper Library Board and City officers be authorized and directed to execute the contracts for said services.

Adopted 12/2/05.

Approved by Mayor Rybak 12/5/05.

(Published 12/6/05)

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to extend the existing contract #C99-14637 with Crawford & Company to continue in the provision of Liability Claims Administration services to February 1, 2006 at the same administrative fee arrangement. The total sum estimated to be expended in administrative fees will not exceed \$135,000.

Adopted 12/2/05.

**W&M/Budget** - Your Committee recommends acceptance of the first payment of four from the Marsh McLennan Settlement Agreement, in the amount of \$1,438.40 to resolve a complaint that was filed by the New York State Attorney General and the New York State Superintendent of Insurance where the City of Minneapolis was named as an entity to be compensated.

Adopted 12/2/05.

**W&M/Budget** - Your Committee, having under consideration a request from the Minneapolis Public Library Board for an increase of \$620,000 in the Capital Improvement Appropriation Resolution, now recommends passage of the accompanying Resolutions:

a) Amending the 2005 - 2009 Five Year Capital Program increasing the amount of the Library Board Capital Improvement Agency by \$503,400 for the East Lake Capital Project, for a new project total of \$4,463,400, and increasing the amount of the Library Board Capital Improvement Agency by \$116,600 for the North Regional Capital Project, for a new project total of \$4,686,600. (Said figures include administrative overhead.)

b) Amending Resolution 2004R-587, requesting the Board of Estimate and Taxation to sell an additional amount of assessment bonds in the amount \$503,400 for the East Lake Capital Project and \$116,600 for the North Regional Capital Project.

Adopted 12/2/05.

Resolution 2005R-647, requesting the City Council to amend the 2005 Capital Improvement Appropriation Resolution to increase the appropriation for the Library Board Capital Improvement Fund, and Resolution 2005R-648, requesting that the Board of Estimate and Taxation increase the amount of bonds to be sold for the East Lake Capital Project and the North Regional Capital Project, were adopted 12/2/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-647**  
**By Johnson**

**Amending The 2005 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) increasing the appropriation for the East Lake Capital Project in the amount of \$503,400, including administrative overhead, for a new project total of \$4,463,400, including administrative overhead; and
- b) increasing the appropriation for the North Regional Capital Project in the amount of \$116,600, including administrative overhead, for a new project total of \$4,686,600, including administrative overhead.

Adopted 12/2/05.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-648**  
**By Johnson**

**Amending Resolution 2004R-587 entitled, "Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount \$2,485,000 for certain purposes other than the purchase of public utilities," passed December 13, 2004.**

Resolved by The City Council of The City of Minneapolis:

That the above entitled Resolution be amended to increase the request to the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$620,000, the proceeds of which are to be used for the East Lake Library Capital Project and the North Regional Library Capital Project.

Adopted 12/2/05.

**W&M/Budget -** Your Committee recommends Jack Kryst, Finance Department as the City Council's representative to the Neighborhood Revitalization Program (NRP) Technical Advisory Group.

Adopted 12/2/05.

**W&M/Budget -** Your Committee recommends that the proper City officers be authorized to release a limited Request for Proposal (RFP) to software vendors CGI/AMS and PeopleSoft.

It is further recommended The City Council approve the Finance Funding approach of using departmental primarily operating budget savings from 2005 - 2009.

Adopted 12/2/05.



**W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept the donation of the Safe City, Video Security System, consisting of 30 cameras, valued at \$1.5 million, from Target Corporation to Minneapolis Police Department for deterring crime and increasing public safety in the downtown Minneapolis area.

Adopted 12/2/05. Yeas, 12; Nays, 1 as follows:

Yeas - Johnson Lee, Niziolek, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmerman, Schiff, Zerby, Lilligren, Ostrow.

Nays - Benson.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Art Cunningham, on behalf of the Fellowship Missionary Baptist Church, from the decision of the Planning Commission which denied applications for a) conditional use permit; b) site plan review; c) a variance to reduce the corner side yard setback requirement along 34<sup>th</sup> Ave N; and d) a variance to reduce the minimum drive aisle width, all to allow a parking lot with 14 spaces serving an institutional use at 421 N 34<sup>th</sup> Ave, now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 12/2/05. Yeas, 9; Nays, 4 as follows:

Yeas – Niziolek, Benson, Goodman, Hodges, Johnson, Colvin Roy, Zimmermann, Schiff, Lilligren.

Nays – Johnson Lee, Samuels, Zerby, Ostrow.

**Z&P** - Your Committee, having under consideration the appeal filed by Robert Levine from the decision of the Heritage Preservation Commission which approved an application for Certificate of Appropriateness for construction of an in-ground swimming pool, patio and cabana, landscaping changes and several alterations for the Charles J. Martin House, 1300 Mount Curve, but denied application for replacement of the historic red tile roof with a metal roofing product, now recommends that said appeal be granted and the Certificate be approved for the roof replacement materials.

Adopted 12/2/05.

**Z&P** - Your Committee concurs in the recommendations of the Planning Commission in granting the applications of Heritage Development to vacate the public alley and the public alley commonly known as 7<sup>th</sup> St, located on the block bounded by Portland Ave S, E Grant St, Park Ave and 10<sup>th</sup> St S (#1466 and #1467) to permit a mixed-use development including residential and commercial, subject to retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolutions vacating said alleys.

Adopted 12/2/05.

Resolution 2005R-649, vacating the public alley located on the block bounded by Portland Ave S, E Grant St, Park Ave and 10<sup>th</sup> St S, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-649**  
**By Schiff**

**Vacating the public alley located on the block bounded by Portland Avenue South, East Grant Street, Park Avenue and 10<sup>th</sup> Street South (#1466).**

Resolved by The City Council of The City of Minneapolis:

The entire alley as opened by conveyance of forfeited lands to the City of Minneapolis as Document No. 2308806 filed September 21, 1945, in Book 1643 of Deeds, Page 426, more particularly described as: All that part of Lot 12, Auditor's Subdivision No.1, Hennepin County, Minnesota, which lies northwesterly and northerly of the following described line: Commencing at a point on the northeasterly line of East Grant Street as opened by the City Council distant 14 feet southeasterly measured at right angles from the northwesterly line of Lot 12, Auditor's Subdivision No. 1, Hennepin County, Minnesota; thence northeasterly parallel with the northwesterly line of said Lot 12 to a point 34 feet southwesterly from the northeasterly line of said Lot 12; thence northeasterly and easterly on a tangential curve to the right whose radius is 20 feet to the easterly line of Lot 12, and also the southwesterly 14 feet of the northeasterly 43 feet of Lot "D" in W.E. Jones Addition to Minneapolis, is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or Qwest, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated;

Qwest, subject to an easement over the entire area to be vacated;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/2/05.

Resolution 2005R-650, vacating that part of the public alley located on the block bounded by Portland Ave S, E Grant St, Park Ave and 10<sup>th</sup> St S, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-650**

**By Schiff**

**Vacating that part of the public alley located on the block bounded by Portland Avenue South, East Grant Street, Park Avenue and 10<sup>th</sup> Street South (#1467).**

Resolved by The City Council of The City of Minneapolis:

That part of the Alley (commonly known as 7th Avenue South) in W.E. Jone's Addition to Minneapolis, deeded to the City of Minneapolis by W.E. Jones and Lorenzo D. Day, filed in the Hennepin County records office as Book 51 of Deeds, Page 606, more particularly described as follows: Commencing at a point in the southwesterly line of 10th Street South, 20 feet easterly from the northwest corner of said Lot A, in W. E. Jones' Addition to Minneapolis; thence southwesterly and parallel with the Westerly line of said Lot A to a point which shall be the intersection of the West line of Lot G in said Addition produced in a northerly direction with said parallel line; thence South on said produced line, and said West line of said Lot G to the north line of Grant Street East (as opened); thence northwesterly on said North line of Grant Street to the southeasterly corner of Tract B, Registered Land Survey No. 805; thence north along the east line of Tract B and it's northerly extension, to a point which shall be in Lot D in said Addition and on a line parallel with and 10 feet westerly from and at right angles to said westerly line of Lot A; thence northeasterly and parallel with and 10 feet distant westerly from said westerly line of said Lot A and through Lot B in said Addition to said southwesterly line of 10th Street South; thence southeasterly along said southwesterly line of 10th Street South, 30 feet to place of beginning, is hereby vacated except that such vacation shall not affect the existing authority of Xcel Energy or the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

Xcel Energy, subject to an easement over the entire area to be vacated;

Qwest, subject to an easement over the entire area to be vacated;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/2/05.

**Z&P** - Your Committee recommends unanimous consent to introduce an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, to delete the definition of "Structural alteration" from Section 520.160 of the zoning ordinance in relation to bringing nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, for first reading.

Your Committee further recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/2/05.

Ordinance 2005-Or-136 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, deleting the definition of "Structural alteration" from Section 520.160 of the zoning ordinance in relation to bringing nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-136**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/2/05**

**Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 520.160 of the above-entitled ordinance be amended by deleting the definition of "Structural alteration" in its entirety, which reads as follows:

**520.160. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

~~**Structural alteration.** Any change other than normal maintenance and repair, or any change which would prolong the life of the supporting members of a structure, such as bearing walls, columns, posts, beams, girders, footings or foundations.~~

Adopted 12/2/05.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to bring the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and adoption:

Chapter 531 relating to Nonconforming Uses and Structures;  
Chapter 543 relating to On-Premise Signs;  
Chapter 544 relating to Off-Premise Advertising Signs and Billboards.  
Adopted 12/2/05.

Ordinance 2005-Or-137 amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to *Zoning Code: Nonconforming Uses and Structures*, bringing the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-137**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 9/2/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 12/2/05**

**Amending Title 20, Chapter 531 of the Minneapolis Code of Ordinances relating to Zoning Code: Nonconforming Uses and Structures.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 531.20 (a) and (c) of the above-entitled ordinance be amended to read as follows:

**531.20. General prohibition; authority to continue.** (a) *Uses and structures.* No structure or use, or part thereof, shall hereafter be erected, constructed, altered, enlarged, relocated, used or intensified in character or operation except in conformity with the provisions of this zoning ordinance. Legal nonconforming uses and structures shall be allowed to continue so long as they remain otherwise lawful, subject to the provisions of this chapter. Nonconforming uses and structures which were not lawfully in existence on the effective date of this ordinance shall be prohibited.

(c) *Interpretation.* This chapter imposes a general prohibition on the enlargement, expansion, ~~restoration~~, relocation, ~~structural alteration~~ or intensification of nonconforming uses and structures, and on the change of any nonconforming use to a use other than one allowed in the district in which the use is located. Nothing in this chapter shall be construed to provide a property owner with any property right or other legal right to compel the city to grant an exception to this general prohibition.

Section 2. That Section 531.40 (c) of the above-entitled ordinance be amended to read as follows:

**531.40. Loss of nonconforming rights.**

(c) *Damage or destruction.*

(1) *Legal nonconforming structure containing a conforming use.* When a legal nonconforming structure is damaged or destroyed by any cause or means, to the extent that the cost of restoration exceeds one-half (1/2) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, reconstruction of the nonconforming structure shall be prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming structure in its pre-existing conditions and not enlarge, relocate or expand the nonconforming structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(2) *Legal nonconforming use.* When a legal nonconforming use is damaged or destroyed by any cause or means, to the extent that the cost of restoring or reestablishing the nonconforming use, including structural repairs and equipment and fixture replacement, exceeds one-half (1/2) of its market value, and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of the district in which it is located. When a building permit to reconstruct or replace the nonconforming use in its pre-existing conditions and not enlarge, relocate or expand the nonconforming use is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

Section 3. That Section 531.50 (b), (d) and (g) of the above-entitled ordinance be amended to read as follows:

**531.50. Expansion or alteration of nonconforming uses and structures.**

(b) *Structure (conforming or nonconforming) containing a legal nonconforming use.* Structures containing one (1) or more legal nonconforming uses shall not be moved to a new location on the zoning lot, expanded, enlarged or ~~structurally altered~~ in any way, nor shall such use be intensified, except that the city planning commission may permit the relocation, expansion, enlargement, ~~structural alteration~~ or intensification of such use or structure or any accessory structure, if it makes the following findings, and the relocation, expansion, enlargement, ~~structural alteration~~ or intensification meets all other applicable regulations of this zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

(1) A rezoning of the property would be inappropriate.

(2) The enlargement, expansion, relocation, ~~structural alteration~~ or intensification will be compatible with adjacent property and the neighborhood.

(3) The enlargement, expansion, relocation, ~~structural alteration~~ or intensification will not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors and parking congestion.

(4) The enlargement, expansion, relocation, ~~structural alteration~~ or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

(5) In districts in which residential uses are allowed, the enlargement, expansion, relocation, ~~structural alteration~~ or intensification will not result in the creation or presence of more dwelling units or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.

(6) The enlargement, expansion, relocation, ~~structural alteration~~ or intensification will not be located in the floodway district.

(d) *Process.* Any person having a legal or equitable interest in land may file an application for an expansion, enlargement, relocation, ~~structural alteration~~ or intensification under subdivision (b) on a form approved by the zoning administrator. Application procedures shall be as specified in Chapter 525, Administration and Enforcement. The city planning commission shall hold a public hearing on each complete application as specified in Chapter 525, Administration and Enforcement.

(g) *Enlargements, expansions, relocations, structural alterations or intensifications in the FP Floodplain Overlay District.* Any enlargement, expansion, relocation, ~~structural alteration~~ or intensification of a nonconforming use or structure which would result in increasing the flood damage potential of the use or structure shall be protected to the regulatory flood protection elevation or floodproofed in accordance with any of the elevation on fill or floodproofing techniques (FP-1 through FP-4) allowed in the state building code. However, if the cost of all enlargements, expansions, relocations, structural alterations and intensifications exceeds fifty (50) percent of the assessor's current market value of the structure, then the entire structure shall be made to conform to the elevation and floodproofing standards of the FP Floodplain Overlay District.



Section 4. That Section 531.90 of the above-entitled ordinance be amended to read as follows:

**531.90. Maintenance and repair.** (a) In general. Normal maintenance and repair, including cosmetic changes and replacement, restoration and improvement may be performed on any nonconforming structure or on any conforming structure containing a nonconforming use, provided however, that no such maintenance or repair shall result in an expansion, relocation or enlargement of the use or structure or increase the extent of the nonconformity, except as otherwise provided by this chapter. Normal maintenance and repair shall not include a structural alteration.

(b) Replacement. Following damage or destruction, replacement of a nonconformity shall mean that the structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the pre-existing conditions that preceded damage or destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property. Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to section 531.50, Expansion or alteration of nonconforming uses and structures.

(c) Safety of operation. Except as governed by section 531.70, for the purpose of this section, maintenance and repair shall include the replacement of above ground storage tanks where safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, indoor machinery or equipment not involving structural alterations which will increase the bulk of the building or structure, and replacement of underground tanks, provided any such replacement of an underground tank complies with the provisions of this ordinance and all other applicable regulations.

(d) Exceptions. The zoning administrator may authorize minor changes in the placement and size of improvements provided such changes decrease the extent of the nonconformity.

Adopted 12/2/05.

Ordinance 2005-Or-138 amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, bringing the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-138**  
**By Schiff**  
**Intro & 1<sup>st</sup> Reading: 9/2/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 12/2/05**

**Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 543.370 of the above-entitled ordinance be amended to read as follows:

**543.370. Maintenance and repair.** *(a) Maintenance required.* All signs shall be kept in good repair and free from peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters.

*(b) Activities considered normal maintenance and repair.* Normal maintenance and repair shall include activities such as replacing lamps, replacing ballast in freestanding signs, replacing transformers in building signs, painting the pole of freestanding signs and the cabinet of freestanding or building signs, replacing or repairing the sign face, including H-bars and retainers behind the face, replacing trim and replacement of sign fasteners, nuts and washers: replacement, restoration or improvement. Following damage or destruction, replacement of a nonconformity shall mean that the sign face or sign structure and site, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions of the sign face or sign structure that preceded damage or



destruction. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property. Nonconformities that are completely or substantially reconstructed that include changes to building placement or design shall be subject to section 531.50, Expansion or alteration of nonconforming uses and structures.

~~(c) Items not considered normal maintenance and repair. The following items~~ Changes made to the location, size, height or bulk of the sign or addition of illumination are not considered normal maintenance and repair and shall require that a nonconforming sign be brought into conformance with all requirements of this chapter.

~~(1) Changes made to the size, height or bulk of the sign or the removal of the sign for the repair or replacement of the cabinet or any part thereof, not including the face, or addition of illumination.~~

~~(2) Changes in poles, structural supports, bases or shrouds, footings or anchor bolts, moving the sign for any reason change or replacement of the interior or exterior cabinet frame and removal of any part of the sign for maintenance, except the sign face.~~

Adopted 12/2/05.

Ordinance 2005-Or-139 amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Advertising Signs and Billboards*, bringing the provisions of the zoning ordinance regulating nonconforming uses, their continued use and investment, their expansion and the loss of nonconforming rights into conformance with recent changes in State Statute, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-139**

**By Schiff**

**Intro & 1<sup>st</sup> Reading: 9/2/05**

**Ref to: Z&P**

**2<sup>nd</sup> Reading: 12/2/05**

**Amending Title 20, Chapter 544 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Premise Advertising Signs and Billboards.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 544.30 of the above-entitled ordinance be amended to read as follows:

**544.30. Nonconforming signs.** The following provisions shall apply to nonconforming advertising signs and billboards:

(1) Advertising signs and billboards lawfully existing at the time of adoption of this chapter which do not conform to the regulations of this chapter may continue to exist, but shall not be structurally altered or enlarged.

(2) Maintenance; and repair, including replacement, restoration, improvement, and changing of sign messages is allowed, provided no structural alterations shall be made. Following damage or destruction, replacement of a nonconformity shall mean that the sign face or sign structure, if reinstated with a nonconformity as allowed under the terms of this chapter, shall be reconstructed to match the conditions that preceded damage or destruction. Nonconformities that are completely or substantially reconstructed that include changes to the placement or design of the sign face or sign structure shall be subject to section 531.50, Expansion or alteration of nonconforming uses and structures. A new painted wall sign with changed advertising copy or graphics painted over an existing painted wall sign is considered a replacement of the sign and shall be prohibited by this chapter.

(3) Advertising signs and sign structures which are moved, ~~replaced, or structurally altered~~ shall be brought into compliance with all applicable regulations of this chapter.

(4) A nonconforming sign which is damaged or destroyed by any cause or means to the extent that the cost of restoration exceeds one-half (1/2) of its replacement cost and no building permit for reconstruction or replacement of the nonconforming structure is applied for within one hundred eighty (180) days of date the property is damaged or destroyed, shall not be reconstructed except in conformity with all applicable regulations of this chapter. When a building permit to reconstruct or replace the nonconforming sign face or sign structure in its pre-existing design and not enlarge, relocate or expand the nonconforming sign face or sign structure is applied for within one hundred eighty (180) days of the date the property is damaged or destroyed, such permit shall be approved notwithstanding the cost of the restoration and its relationship to the market value of the structure. Reasonable conditions may be imposed by the zoning administrator to mitigate any newly created impact on adjacent property.

(5) A nonconforming advertising sign which is discontinued for a continuous period of more than one (1) year shall be deemed to be abandoned and may not thereafter be reestablished or resumed except in conformity with all applicable regulations of this chapter.

Adopted 12/2/05.

**Z&P** – Your Committee concurs in the recommendation of the Heritage Preservation Commission in approving the application of Ryan Companies US, Inc, for a Certificate of Appropriateness for historic variances to allow seven rooftop signs and to exceed the amount of allowed signage on the west and east elevations of the Sears, Roebuck and Company Mail-Order Warehouse and Retail Store at 2843 Elliot Ave, with the condition that the installation of signs does not cause damage to the historic fabric, and that the related findings be adopted.

Adopted 12/2/05.

**Z&P** – Your Committee concurs in the recommendation of the Minneapolis Arts Commission that the City Council accept the gift of the Brackett Park Rocket by artist Randy Walker, from Forecast Public Artworks, for placement in Brackett Park, contingent upon Forecast securing sufficient funds and in-kind donations.

Adopted 12/2/05.

**Z&P** – Your Committee concurs in the recommendation of the Minneapolis Arts Commission that the City Council accept the gift of the painting “Nicollet Mall Market,” by artist Ron Merchant.

Adopted 12/2/05.

**Z&P** – Your Committee, having under consideration the 38th Street Station Area Plan for the vicinity of 38th St and the Hiawatha Ave light rail line, now concurs in the recommendation of the Planning Commission that said Plan be adopted as a small area plan and as an articulation of and amendment to the City’s comprehensive plan policies related to Transit Station Areas, subject to review and approval by the Metropolitan Council, and subject to the changes and implementation directives outlined in said Plan.

Schiff moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote 12/2/05.

**Z&P** - Your Committee recommends unanimous consent to introduce an ordinance amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, to amend the definition of “Overnight shelter” in the zoning ordinance in relation to allowing overnight shelters approved by conditional use permit to be open 24 hours per day, for first reading.

Your Committee further recommends that said ordinance be given its second reading for amendment and passage.

Adopted 12/2/05.

Ordinance 2005-Or-140 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, to amend the definition of "Overnight shelter" in Section 520.160 to allow overnight shelters approved by conditional use permit to be open 24 hours per day, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-140**  
**By Goodman, Schiff, Zimmermann, Zerby**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 12/2/05**

**Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to read as follows:

**520.160. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

*Overnight shelter.* An accessory use to a religious institution place of assembly providing temporary housing for a period of time not to exceed ~~sixteen (16)~~ twenty-four (24) hours ~~within a twenty-four (24) hour period~~ to persons without permanent housing.

Adopted 12/2/05.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, to allow overnight shelters approved by conditional use permit to be open 24 hours per day, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and adoption.

Adopted 12/2/05.

Ordinance 2005-Or-141 amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to *Zoning Code: Accessory Uses and Structures*, to allow overnight shelters approved by conditional use permit to be open 24 hours per day, was adopted 12/2/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2005-Or-141**  
**By Goodman, Schiff, Zimmermann, Zerby**  
**Intro & 1<sup>st</sup> Reading: 8/19/05**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 12/2/05**

**Amending Title 20, Chapter 537 of the Minneapolis Code of Ordinances relating to Zoning Code: Accessory Uses and Structures.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 537.110, Overnight shelter, of the above-entitled ordinance be amended to read as follows:

**537.110. Allowed accessory uses and structures.** The following accessory uses and structures shall be allowed, subject to the following development standards:

*Overnight shelter.* Overnight shelters shall be allowed accessory to a religious institution place of assembly. In addition to obtaining a conditional use permit, as specified in Chapter 525, Administration and Enforcement, such overnight shelter shall be subject to the following standards:

~~(1) The shelter shall operate only between the hours of 5:00 p.m. and 9:00 a.m. daily.~~

~~(2) (1) Shelter guests shall be provided with an enclosed waiting area (1) hour prior to opening each evening, except when the shelter accepts guests by appointment only or is open (24) hours per day.~~

~~(3) (2) The number of guests shall not exceed the housing code occupancy requirements.~~

~~(4) (3) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits, bathing and restrooms.~~

~~(5) (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.~~

Adopted 12/2/05.

### MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/2/05.

Ostrow moved that the action of the City Council Organization Meeting of January 5, 2004 relating to the organization of the City Council be amended to change the following Committee assignments:

### Committee Assignments

Claims: Zimmermann, Goodman, Zerby, Samuels, Hodges

Intergovernmental Relations: Benson, Ostrow, Goodman, Johnson, Lee, Zerby, Hodges

Transportation & Public Works: Colvin Roy, Lilligren, Benson, Schiff, Zimmermann, Hodges

Ways & Means/Budget: Johnson, Zerby, Colvin Roy, Johnson Lee, Niziolek, Hodges

Seconded.

Adopted 12/2/05.

### RESOLUTIONS

Resolution 2005R-651, supporting an environmental grant application to the Hennepin County Department of Environmental Services by Seward Redesign for the Bystrom Brothers, Inc., was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### RESOLUTION 2005R-651

By Zerby

**Supporting an environmental grant application to Hennepin County for the Bystrom Brothers, Inc. site.**

Resolved by The City Council of The City of Minneapolis:

That the City supports the environmental financial grant application submitted to the Hennepin County Department of Environmental Services on November 1, 2005, by Seward Redesign for the Bystrom Brothers, Inc. site.

Adopted 12/2/05.

Resolution 2005R-652, honoring Julie Bartell for her years of service and dedication to the City of Minneapolis, was adopted by unanimous consent 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-652**

**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Hodges.**

**Honoring Julie Bartell for her years of service and dedication to the City of Minneapolis.**

Whereas, Julie's Civil Service career aspirations began when she took her exam while a senior at Regina High School in South Minneapolis; and

Whereas, Julie has been an exemplary employee of the City Council and City Clerk's Office and has survived 30 years with the City and is retiring from her position as Council Committee Coordinator during her tenure; and

Whereas, Julie will be remembered for:

- Her ability to deal with some of the most challenging women at City Hall;
- Her work with the Charter Commission;
- Her approach to challenges with a positive attitude and good humor;
- Her dedication to commuting to work on her bicycle; and

Whereas, Julie is officially retiring from the City and will be traveling up I-35W north to the City of Lino Lakes (only a 25-mile drive by car; 25 hours by bicycle);

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we express our sincere thanks and appreciation for the years of dedicated service provided to the City by Julie Bartell and wish her well in her future endeavors and her new position as the City Clerk for the City of Lino Lakes.

Adopted 12/2/05.

**UNFINISHED BUSINESS**

**Comm Dev & W&M/Budget** – Your Committee recommends passage of the accompanying resolution approving Modification No. 6 to the West Broadway Redevelopment Plan expanding the boundary of the plan area and adding objectives.

Adopted 12/2/05.

Resolution 2005R-653, approving Modification No. 6 to the West Broadway Redevelopment Plan, was adopted 12/2/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2005R-653**

**By Goodman & Johnson**

**Adopting Modification No 6 to the West Broadway Redevelopment Plan**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement city development districts, housing and redevelopment

projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2. That by Resolution duly adopted on August 31, 1973, the City approved the West Broadway Redevelopment Plan, further modified by five subsequent modifications, describing more precisely the Project Area, the activities to be undertaken, the property that may be acquired, all pursuant to the Project Laws.

1.3. The City has prepared, and this Council has investigated the facts with respect to, a proposed Modification No 6 to the West Broadway Redevelopment Plan (the "Modification"), identifying parcels to be added to the West Broadway Redevelopment Plan boundary, designating parcels that may be acquired, and adding objectives.

1.4. The City has performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Modification.

## Section 2. Findings for the Adoption of the Modification

2.1. The Council hereby finds, determines and declares that the proposed Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the project by private enterprise, as the proposed redevelopment removes blighted structures and vacant parcels and provides higher density rental and ownership housing opportunities.

2.2. The Council further finds that the expansion area that is the subject of the Modification contains parcels that are vacant, undeveloped, unused lots, include vacant and/or deteriorated structures containing numerous blighting influences, including peeling paint, boarded buildings and windows, structures in need of major repair, faulty arrangement, physically obsolete and incompatible with The Minneapolis Plan and zoning code, and are not feasible for rehabilitation to accommodate appropriate land use.

2.3. The Council further finds that the Modification conforms to the general plan for the development of the City as a whole. The Modification reflects a number of key Minneapolis Plan policies related to fulfillment of housing needs. Written comments of the Planning Commission with respect to the Modification were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.4. The Council further finds that the actions herein conform to the Higher Density Corridor Housing Initiative Program Guidelines and Criteria approved by the Minneapolis City Council on February 13, 2004.

2.5. The Council further finds, determines and declares that the objectives and actions authorized by the Modification are consistent with the undertaking of a redevelopment project area, all pursuant to and in accordance with the Project Laws.

2.6. The Council further finds, determines and declares that the land in the project area would not be made available for redevelopment without the financial aid to be sought.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modification.

## Section 3. Approval of the Modification

3.1. Based upon the findings set forth in Section 2, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

## Section 4. Implementation of the Modification

4.1. The officers and staff of the City and the City's consultants and counsel are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted 12/2/05.



**NEW BUSINESS**

Zimmermann moved to introduced an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs* (establishing a waiver for vehicle age requirements for wheelchair accessible taxicabs).

Lost upon a voice vote 12/2/05.

Ostrow moved to adjourn to Room 315 City Hall to consider the matter of the City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis Limited Partnership lawsuit. Seconded.

Adopted upon a voice vote 12/2/05.

Room 315 City Hall

Minneapolis, Minnesota

December 2, 2005 — 11:48 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Niziolek, Benson, Goodman, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Absent - Johnson Lee, Hodges, Samuels, Lilligren.

Jay Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis Limited Partnership lawsuit.

At 11:50 a.m., Zerby moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Present - Johnson Lee (In at 12:07 p.m.), Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Absent - Lilligren.

Also Present – Jay Heffern, City Attorney; Peter Ginder, Deputy City Attorney; Mike Bradley, Bradley & Guzzetta, LLC; Steve Bradley, Bradley & Guzzetta, LLC; Peter Wagenius, Mayor's Office; Gail Plewacki, Communications; Merry Keefe, City Clerk; and Peggy Menshek, City Clerk's Office.

Mike Bradley, Bradley & Guzzetta, LLC, summarized the City of Minneapolis v. Time Warner Cable, Inc. and KBL Cablesystems of Minneapolis Limited Partnership lawsuit from 11:50 a.m. to 12:24 p.m.

At 12:25 p.m., Schiff moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Present - Johnson Lee, Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Absent - Lilligren.

The regular meeting reconvened at 12:31 p.m. in Room 317, City Hall to consider W&M/Budget Item 16.

Present - Johnson Lee, Niziolek, Benson, Goodman, Hodges, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Absent - Lilligren.

The **WAYS & MEANS/BUDGET** Committee submitted the following report:

**W&M/Budget** - Your Committee, having under consideration the Comcast Corporation Cable Franchise Transfer request, with staff recommendations to conditionally grant the application of Comcast Corporation for approval of the transfer of ownership and control of the City of Minneapolis cable franchise and cable communication system currently owned by KBL Cablesystems of Minneapolis, Limited Partnership, d.b.a. Time Warner Cable, now recommends that said subject matter be **sent forward without recommendation**.

Niziolek moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "approved". Seconded.

Adopted by upon a voice vote.

The report, as amended, was adopted 12/2/05. Yeas, 9; Nays, 2 as follows:

Yeas - Johnson Lee, Niziolek, Benson, Hodges, Samuels, Johnson, Colvin Roy, Schiff, Ostrow.

Nays - Zimmerman, Zerby.

Declining to vote - Goodman.

Absent - Lilligren.

Ostrow moved to adjourn to Room 317, City Hall on Monday, December 12, 2005, at 5:05 p.m., for the purpose of conducting the Truth in Taxation public hearing, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 2, 2005, and then further adjourning to Room 317, City Hall on Monday, December 19, 2005, at 5:05 p.m. for the purpose of adoption of the 2006 budget, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of December 2, 2005, Seconded.

Adopted upon a voice vote 12/2/05.

Absent - Lilligren.

(Republished 1/14/06)

Merry Keefe,  
City Clerk.

Unofficial Posting: 12/05/2005  
Official Posting: 12/09/2005  
Correction: 01/26/2006